

**To:** Grantham, Nancy[Grantham.Nancy@epa.gov]  
**Cc:** Joe Kerby[Joe.Kerby@co.laplata.co.us]; Joanne Spina[Joanne.Spina@co.laplata.co.us]; Peter Foster[pfoster@wrightwater.com]; McGrath, Shaun[McGrath.Shaun@epa.gov]; Foster, Althea[Foster.Althea@epa.gov]  
**From:** Sheryl Rogers  
**Sent:** Tue 9/22/2015 2:09:31 PM  
**Subject:** RE: Commissioner Lachelt request

Nancy - do you have an update on this topic?

Sheryl

-----Original Message-----

From: Grantham, Nancy [mailto:Grantham.Nancy@epa.gov]  
Sent: Monday, September 21, 2015 8:50 AM  
To: Sheryl Rogers <rogers@lpcattorney.org>  
Cc: Joe Kerby <Joe.Kerby@co.laplata.co.us>; Joanne Spina <Joanne.Spina@co.laplata.co.us>; Peter Foster <pfoster@wrightwater.com>; McGrath, Shaun <McGrath.Shaun@epa.gov>; Foster, Althea <Foster.Althea@epa.gov>  
Subject: RE: Commissioner Lachelt request

Sheryl -- I have not forgotten you -- will be back in touch shortly ..thanks ng

-----Original Message-----

From: Sheryl Rogers [mailto:rogers@lpcattorney.org]  
Sent: Sunday, September 20, 2015 1:24 PM  
To: Grantham, Nancy  
Cc: Joe Kerby; Joanne Spina; Peter Foster; McGrath, Shaun; Foster, Althea  
Subject: Re: Commissioner Lachelt request

Thanks Nancy. I spoke with Commissioner Lachelt who will be calling Shaun shortly. Here is the plan based on your comments below.

1. EPA will sample the additional constituents tomorrow before any further application to the mine opening
2. EPA will provide the samples to its lab and provide results directly to the County
3. This week the County will separately pursue consent for access from the mine owner, likely through Peter Foster. If we are granted access, we will pull our own samples. but EPA should not delay stabilization waiting for this to occur.

Please let me know if you have any questions. I would appreciate a confirmation either way.  
Sheryl

Sent from my iPad

> On Sep 20, 2015, at 12:58 PM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:  
>  
> Hi Sheryl,  
>  
> What you propose below works for EPA so long as it works for the LaPlata County BOCC.  
>  
> Please let me know when we are clear to proceed with this approach.  
>  
> Thanks  
>  
> Nancy Grantham

>  
> -----Original Message-----  
> From: Sheryl Rogers [mailto:rogers@lpcattorney.org]  
> Sent: Sunday, September 20, 2015 11:54 AM  
> To: Grantham, Nancy  
> Cc: Joe Kerby; Joanne Spina; Peter Foster  
> Subject: Re: Commissioner Lachelt request  
>  
> Nancy: Commissioner Lachelt has sporadic cell coverage but she sent me a text stating that she had a commitment from Shaun this morning that the EPA would do the additional sampling and that EPA would stop with the stabilization until it is done. Could the EPA not take the samples, process them with your lab and provide results to us? This would be consistent with all other forms of sampling taken at the mine.  
>  
> Sheryl  
>  
> Sent from my iPad  
>  
>> On Sep 20, 2015, at 11:42 AM, Grantham, Nancy <Grantham.Nancy@epa.gov> wrote:  
>>  
>> All -- I just spoke with Sheryl.  
>>  
>> A couple of things:  
>>  
>> If the County wants to pursue doing sampling at the mine site -- even if EPA takes the samples and turns the over to the county, there would remain an access issue. The County would have to evaluate any associated risk if you were not able to ascertain access from Mr. Hennis. Also, while EPA has sufficient bottles, the County would need to have decided on a laboratory.  
>>  
>> I am available to discuss these issues at any time -- as time is of the essence here.  
>>  
>> Thanks ng  
>>  
>> -----Original Message-----  
>> From: Grantham, Nancy  
>> Sent: Sunday, September 20, 2015 11:14 AM  
>> To: Joe Kerby; Joanne Spina; 'Sheryl Rogers'  
>> Cc: Grantham, Nancy  
>> Subject: FW: Commissioner Lachelt request  
>>  
>>  
>> Commissioner Lachelt made this request this morning and I made the commitment:  
>>  
>> "Shaun - can I get a commitment from you that we can get a dry sample of the concrete mix and any other materials used to adhere the concrete to the face of the mine?"  
>>  
>> Please work with county staff to make happen.  
>>  
>>  
>>  
>> Sent from my iPhone